BOMBAY ACT No. XLVIII OF 1955.[1]

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1955.]

[*5th December 1955*]

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient further to amend the Payment of Wages Act, 1936, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Wages (Bombay Amendment) Act, 1955.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Act IV of 1936.

IV of 1936. **2.** In section 2 of the Payment of Wages Act, 1936, in its application to the State of Bombay (hereinafter referred to as the said Act),—

(*a*) after clause (*ii*) the following new clause shall be inserted, namely :—

"(*iia*) 'legal representative' means the person who in law represents the estate of a deceased employed person;";

(*b*) for clause (*iii*) the following shall be substituted, namely :—

"(*iii*) 'plantation' means—

(*a*) any estate which is maintained for the purpose of growing cinchona rubber, coffee or tea, or

(*b*) any farm which is maintained for the purpose of growing sugarcane and attached to a factory established or maintained for the manufacture of sugar :

Provided that on such estate or farm twenty-five or more persons are engaged for the purpose ;".

Amendment of section 15 of Act IV of 1936.

3. In section 15 of the said Act,—

(*a*) in sub-section (*1*) for the words and figures beginning with the words "appoint any" and ending with the words "to be the authority" the words "appoint one or more persons to be the authority or authorities" shall be substituted ;

(*b*) after sub-section (*1*), the following new sub-sections shall be inserted, namely :—

"(*1A*) A person shall not be qualified for appointment as an authority under this Act unless, he is a Commissioner for Workmen's Compensation or any other officer with experience as a Judge of a Civil Court or of a Labour Court constituted under the Bombay Industrial Relations Act, 1946, or as a stipendiary Judicial Magistrate.

Bom. XI of 1947.

(*1B*) Where more than one person are appointed for any specified area as authorities under sub-section (*1*), the State Government may by general or special order make such arrangements as it thinks fit for the distribution of the work among the authorities so appointed." ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 244-245.

(*c*) in sub-section (*2*),—

(*i*) after the words "to act on his behalf" the words and figures "or a representative union registered as such under the Bombay Industrial Relations Act, 1946," shall be inserted; Bom. XI of 1947.

(*ii*) after the word, brackets and figure "sub-section (*3*)" the following shall be inserted, namely :—

"and in case of death of the employed person, it shall be lawful for his legal representative to make an application for such direction";

(*d*) in sub-section (*3*),—

(*i*) for the words "refund to the employed person" the words "refund to the employed person or his legal representative, as the case may be," shall be substituted;

(*ii*) after the words "twenty-five rupees in the latter" the following shall be inserted, namely :—

"and the authority may direct the payment of such compensation in cases, where the amount deducted or the delayed wages are paid by the employer to the employed person or his legal representative before the disposal of the application";

(*iii*) in the proviso, after the words "employed person", at both the places where they occur, the words "or his legal representative" shall be inserted;

(*e*) after sub-section (*5*), the following shall be added, namely :—

"(*6*) Where a question arises as to whether any person is or is not a legal representative of the deceased employed person, such question shall be determined by the authority and the decision of the authority shall be final."

Amendment of section 17 of Act IV of 1936.

4. In section 17 of the said Act, in sub-section (*1*), in clause (*b*),—

(*i*) after the words "an employed person" the following shall be inserted, namely :—

"or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf or a representative union registered as such under the Bombay Industrial Relations Act, 1946, or any Inspector under this Act or any other person authorised by an authority to make an application under sub-section (*2*) of section 15 and in the case of death of the employed person, his legal representative, as the case may be,"; Bom. XI of 1947.

(*ii*) for the words "him" and "he" the words "the employed person" shall be substituted.

Amendment of section 21 of Act IV of 1936.

5. In section 21 of the said Act, in sub-section (*2*), after the words "employed person", at both the places where they occur, the words "or his legal representative" shall be inserted.